

JEFFERSON COUNTY COMMISSIONERS
COURTHOUSE, BOX H
BOULDER, MT 59632
PHONE 406-225-4025
FAX 406-225-4148

TOM LYTHGOE, CHAIR

CHUCK NOTBOHM

KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
February 28, 2006**

Present: Commissioners Lythgoe, Notbohm and Weber; Sam Little, Weed Coordinator; Megan Bullock, County Sanitarian; Harold Stepper, County Planner; Mike, Assistant Planner; Matt Johnson, County Attorney; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Marga Lincoln, *Helena Independent Record*; Mike Gilles, Bob & Connie Sims, Steve Slagle, Kelly Weber, Marilyn McCauley, Kent Stipe, Tim Bury, Jim Paulsen, Rob Myers

CALENDAR REVIEW

- 3/1 Meeting with Extension - 1:30
- 3/2 Ranchers Roundtable - Whitehall - 6:30 a.m.
Meet with Rick Hotaling, BLM - 9:00
- 3/6 Conference call with Great West and Mae Nan Ellingson
- 3/7 CTAC - Whitehall - 8:00
DUI Task Force - 5:30

COMMISSION REPORTS

SUNNYSIDE LANE

Commissioner Lythgoe stated that on the 24th the Commissioners met with representatives of MDT and Wally Hustad and his engineer regarding Sunnyside Lane. It looks like MDT will give a letter that approves the engineer's design for access to Hustad's subdivision. They made it clear that the County also has to sign off on the design. Commissioner Notbohm stated that he knows that they need to work out the ingress/egress issues, but they don't even have a subdivision to look at yet. Commissioner Lythgoe stated that Wally already has a lot of money invested and he wants to get the access issues taken care of.

DUNBAR LANE

Commissioner Lythgoe reported that he and Ben Sautter went to Broadwater County on the 27th to attend their Commission meeting. However, they were given incorrect information on when this would be dealt with, and missed the discussion on Dunbar Lane. They were able to talk to the Commission, and they will be notified of the next meeting to discuss this. They also need to

research where the easement is, and if part of it is in Jefferson County.

ANIMAL CONTROL ORDINANCE

Commissioner Lythgoe reported that he spoke with Bob Sims on Saturday, Sunday and Monday regarding the proposed animal ordinance.

JEFFERSON RIVER WATERSHED MEETING

Commissioner Weber reported that he recently attended the Jefferson River Watershed meeting in Twin Bridges. There is major concern regarding setbacks in the watershed. They would like to involve Jefferson and Madison counties, and they would like local discussion and a decision as to what they want to do with setbacks along the Jefferson River.

ECONOMIC DEVELOPMENT

Commissioner Weber stated that he met with Pam Haxby-Cote on Friday at the Governor's economic development office. It turns out that he's not insane; a lot of people are talking about bio-diesel plants. He noted that he also got contact information for making fiberboard from straw.

POLLING PLACES

Commissioner Notbohm reported that he and Bonnie went to review all of the polling places in the county on Friday. He said that it went well. We will need handicap accessible porta-potties in Cardwell and Clancy. The bad news is that one polling place, Basin, failed totally. Bonnie is going to ask for an exception. The courthouse also failed, so those polling places will be moved across the street to the grade school.

CORRESPONDENCE

Commissioner Lythgoe noted that the Commission received a letter of support for the animal ordinance.

SUBDIVISION REVIEW

JIM PAULSON - DISCUSS ANNEXATION ISSUES

Jim Paulson stated that he lives in Saddle Mountain III and has property in Pronghorn Hills. He presented the Commission with a drawing of his project. He stated that the property was originally subdivided for single-family dwellings, but he went before the Board of Adjustment and got approval for a multi-family dwelling. He submitted an application to DEQ and got a response with 19 points, one of which asked if he was within 500 feet of a sewer and water system. If so, he should hook in. He went to the City of Helena, and he needs an easement in the park area for sidewalk and boulevard, a strip 230 feet by 10 feet wide, which would probably be annexed into the City of Helena. He doesn't know how the Commission feels about this, but he wanted to come and start the conversation, as he feels it is appropriate to put in the sidewalk and boulevard. Commissioner Lythgoe stated that the issue is hooking up with city water and sewer. He asked Jim if, during his conversation with the City of Helena, they indicated that he would have to annex. Jim stated that he hasn't asked that specific question, but was told that it

would be cost prohibitive not to hook in. Commissioner Weber asked when the City of Helena plans to annex and extend the border. Jim stated that he assumes it would be before the letting of the highway. Commissioner Weber noted that Jim's property is not currently within 500 feet of a water and sewer system, and asked how close he is now. A discussion of the location of the lines followed.

Commissioner Notbohm stated that, as a Commission, they need to discuss the ramifications of this. The City of Helena could take a large chunk of north Jefferson County. Jim stated that at the planning meeting, they discussed coverage for fire and law enforcement. Commissioner Lythgoe asked if they discussed further annexation. He understands that Jefferson County can't do anything without our own water and sewer system. Jim stated that they touched on it, but there was nothing firm. He doesn't think that anyone in Pronghorn would want to take on city fees. Commissioner Lythgoe noted that Jim has done his research however, and it would be to his advantage, rather than put in his own septic system.

Commissioner Weber stated that if they allow this area to become part of the City of Helena without pursuing our own water and sewer, we will lose all of the north end and eventually the population will become such that two Commissioners would come from Helena and one from the south end, just as all three Lewis and Clark Commissioners live in Helena. Commissioner Lythgoe stated that he agreed with Commissioner Weber. He doesn't think that most Jefferson County residents want to become residents of the City of Helena. Jefferson County needs to look at its own water and sewer. Most of the people he talks to do not want to become residents of Helena.

Commissioner Notbohm noted that, under the circumstances, they need to have a discussion with the City of Helena. Commissioner Lythgoe stated that he has had several conversations with Tim Burton, City Manager, and it changes every time. He agreed that they need to sit down and meet with the City of Helena. They certainly don't want to tie Jim up.

Harold stated that they will be dealing with this on the east side even more so than on the west side. He and Mike have discussed this, and the only solution they can see is a 501-foot no-build zone.

Steve Slagle stated that he couldn't hear all that is going on, but it sounds like they are talking about hooking into Helena utilities. This disturbs him. He remembers twenty years ago when Lewis and Clark County was trying to exert control. He stated that there is a reason that he moved to Jefferson County. Commissioner Lythgoe stated that they all share his concerns; they need to sit down with the City of Helena and discuss this. They knew this was coming and the original discussion was that two or three hooking in would not be a trigger for annexation. That has now changed. Steve stated that it seems Jefferson County would have the power to stop the City of Helena from extending their lines into the County. Commissioner Weber stated that we don't have a way; the only way to stop this is to have our own water and sewer.

FINAL PLAT APPROVAL - ROCKY BENCH MINOR SUBDIVISION

Harold presented his staff report and recommended that final plat approval be granted.

Commissioner Lythgoe moved to grant final plat approval to the Rocky Bench Minor subdivision. Commissioner Notbohm seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

ADOPT REVISED ANIMAL ORDINANCE

Megan outlined a couple minor changes, made for clarification. Commissioner Lythgoe stated that Matt had a few clarifications also. He would remove Section 1 (C), as there is currently no animal control facility, then re-letter the rest of the list.

Matt would add “domestic” to the cat definition. It was agreed that this is acceptable.

Matt would also add “domestic” to the dog definition. It was decided that it is not necessary to add this.

In Section 4 (B), Matt suggested that “or structure” should be added. Megan asked if the Commission would like her to go back and define structure. Commissioner Lythgoe stated that this would not be necessary. If an officer needs to pursue an animal into a barn, that would be okay.

Section 6 (2), Matt suggested that “appears to” be changed to “reasonably determined”. It was decided that this was appropriate.

Commissioner Lythgoe asked if anyone in attendance would like to speak to this issue.

Bob Sims stated that he read the latest version of the ordinance from the website, and stated that section one has some inconsistencies. He questioned the inclusion of ferrets. Megan stated that ferrets are domestic animals that can be quarantined and tested for rabies, and this comes from state statute. Bob noted several other items that he felt were redundant or inconsistent. In section 6, he questioned the animal control officer’s ability to destroy an expensive animal without notice, noting the liability to the County. Megan stated that if a person is bitten, they have 10 days to decide if they need rabies treatment. Any time someone is bitten, per state statute, they need to determine if rabies is present. Bob stated that six months in jail is excessive for something that his dog does. Commissioner Notbohm asked what if it kills a child. Bob stated that sitting in jail for six months won’t bring the child back. Commissioner Lythgoe stated that the sentence will be up to the judge, but they want to make it a deterrent.

Bob stated that he has a resolution to suggest. It would require that text of any ordinance be available 48-hours before acted on. Commissioner Lythgoe stated that he understands the need for this.

Connie Sims questioned the definition of a cat. If she has a cat on her property that he can’t touch, does she have to shoot it? Megan stated that it is required by state law that all cats over

six months of age be vaccinated for rabies.

Steve Slagle stated that he is in favor of this ordinance. He has one question however. He feels that the definition of "residence" should include apartments, duplexes, etc. Commissioner Lythgoe stated that this is appropriate and can be added.

Megan reviewed the changes made to the ordinance during this meeting. The ordinance will be back on the Commissioner agenda of March 14.

REQUEST FOR RESOLUTION TO APPROVE MILLS FOR THE WEED DEPARTMENT

Sam Little, Weed Coordinator, outlined the Weed Department's need for additional funds, and where the funds would be spent. Commissioner Lythgoe asked how this request compares to requests in the past. Same stated that the Weed Board is requesting the same mills as they have in the past.

RESOLUTION 7-2006 RESOLUTION TO PLACE WEED MILLS ON THE JUNE BALLOT

Commissioner Lythgoe read the resolution as follows:

RESOLUTION 07-2006

RESOLUTION TO PLACE WEED MILLS ON THE JUNE BALLOT

WHEREAS, §7-22-2142, MCA permits the governing body of a county to raise money by taxation for the Noxious Weed Control in excess of the levies allowed by law, subject to the provisions of §15-10-420, MCA; and

WHEREAS, the Jefferson County Weed Board has requested the governing body of Jefferson County place a Special Weed District Mill on the June 2006 primary election ballot to increase the mill levy by two (2) mills, based on the estimated value of one mill be \$19,233. The extra funds will be used for the following:

1. An allocation of \$27,000 will be used to expand the county-wide cost share program. The residents and landowners could pay fifty percent of what the Weed Districts pay for herbicides.

2. Six thousand dollars (\$6,000) will be used for weed control in the cities, cemeteries, ball fields, rodeo grounds, solid waste sites and other areas designated as having public interest.

3. Non-chemical weed control will have \$4,000 for bio-control, other mitigating weed control methods, and mapping and planning.

4. The district will use \$1,466 for education and training in the proper use of herbicides and good land stewardship.

NOW, THEREFORE, BE IT RESOLVED, the Board of County Commissioners of Jefferson County, pursuant to §7-22-2142, MCA hereby declare a financial need to seek additional mills for the Jefferson County Weed Board and will place before the qualified electors a noxious weed control mill on the June, 2006 primary election ballot requesting two (2) mills for the Jefferson County Weed District for a period not to exceed two (2) years, and shall place the question as follows:

NOXIOUS WEED CONTROL MILL BALLOT

The proposed ballot measure would increase tax liability for the 2006 tax year and for two tax years thereafter, in the amount two (2) mills, so as to generate \$38,466 per year for the use by the Jefferson County Weed Board during the Fiscal Year 2006 and two fiscal years thereafter for the following:

1. An allocation of \$27,000 will be used to expand the county-wide cost share program. The residents and landowners could pay fifty percent of what the Weed District pays for herbicides.
2. Six thousand dollars (\$6,000) will be used for weed control in the cities, cemeteries, ball fields, rodeo grounds, solid waste sites and other areas designated as having public interest.
3. Non-chemical weed control will have \$4,000 for bio-control, other mitigating weed control methods, and mapping and planning.
4. The district will use \$1,466 for education and training in the proper use of herbicides and good land stewardship.

The tax impact of the election of two (2) mills on a residence with a phase-in value of \$100,000 would be approximately \$3.80; on a residence with a phase-in value of \$200,000, the tax impact would be approximately \$7.60.

- ☐ FOR authorizing an addition two (2) mills for the Jefferson County Weed Board
- ☐ AGAINST authorizing an additional two (2) mills for the Jefferson County Weed Board

DATED this 28th day of February, 2006.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER

Commissioner Notbohm moved to approve the resolution. Commissioner Weber seconded. The motion carried.

DISCUSS AND DECIDE ON RESPONSE TO GOVERNOR SCHWEITZER'S REQUEST AS IT RELATES TO ROADS IN ROADLESS AREAS

Commissioner Lythgoe read the draft letter. He then stated that the Governor has indicated that he wants to increase resource extraction in Montana by fifty percent, but it is his feeling that this fifty percent applies to coal. He asked the other Commissioners if this needs to be addressed. Commissioner Notbohm stated that coal should not be part of the fifty percent. Commissioner Weber stated that this will be added to item four in the letter.

Steve Slagle stated that he came to the meeting to give his support on this issue. He is proud that his Commission is fighting against the railroading of road closures. One thing he would like to see added is a stronger stance regarding federal closures. Commissioner Lythgoe stated that the Commission is dealing with that issue in an entirely separate venue. Steve stated that the government needs to know where we stand on this. Commissioner Notbohm stated that the Governor didn't actually want to hear about everything that was covered in the letter; he only wanted to know if we need new roads and what they would cost. He feels that the Governor was being disingenuous with his request.

Commissioner Lythgoe stated that they need to make a decision on the letter at this meeting. Commissioner Weber moved to include the change to item four, to include the Governor's desire to increase mineral extraction by fifty percent, and deliver the letter tomorrow. Commissioner Notbohm seconded. The motion carried.

DISCUSS AND DECIDE ON COURTROOM VIDEO TECHNOLOGY

Matt Johnson, County Attorney, stated that this is not so much at the discuss and decide stage as just getting information at this point. He stated that he has seen several cases in the past where the Jefferson County courtroom was not up to snuff technologically. This video technology would allow the judge to see and hear a case from a remote location. They recently had four mental health commitments that required transportation back and forth to Warm Springs for the

hearings. Statute allows that a person can stay in Warm Springs and have a two-way video conference. Tomorrow, there will be two inmates that will have to be transported here to see the judge for a couple minutes each. Also, there is currently a high-risk person in our jail, that will require that five extra deputies be involved to get him from the jail to the courtroom, due to the safety issue. They have been having full dockets on Wednesdays, plus, if the judge is in Beaverhead County, they can do arraignments on the video system and save time. He would like to see the equipment in the courtroom and the jail.

Kent Stipe with the Court Administrator's Office stated that he helped develop the video conference program. The goal is to get one system in each judicial district in the state. He has spoken with Judge Tucker, who really wants a system in Virginia City, but Virginia City doesn't have the bandwidth to support the equipment. He stated that the video unit runs around \$10,000 each, and he has an extra one that he is willing to put here. He doesn't, however, have the funds for the T-1 line, which runs about \$750/month. Commissioner Lythgoe asked if we would need an extra unit for the jail. Kent stated that we would. Commissioner Weber asked if the video unit could be moved from the courtroom to the jail. Kent stated that it could be, but then you wouldn't be able to be in the courtroom and see the jail. Commissioner Weber stated that it is a concern to have mental health patients shackled and treated like a criminal; this is something that they are trying to get away from. Kent stated that there are a lot of these concerns; transports, safety issues. He also noted that if you look at the cost associated with a couple transports, it would cover the cost of the T-1 line.

Commissioner Lythgoe started that this will need more discussion, and asked Kent not to give the video unit away to someone else. Kelly Weber stated that she would really encourage the Commission to do this. She works with mental health patients, and any time they are transported, it causes them great distress, which can make them a danger to law enforcement personnel and themselves.

Matt also noted that having the forensics lab hooked into this would be huge. This would allow expert witnesses to be available without a huge time investment, as they are very busy. Commissioner Lythgoe stated that he doesn't see any need to wait; they don't have to hear from the Sheriff that it is a good idea. Matt stated that Craig is in support of this. Matt said that it would probably be best to have this on the agenda again in two weeks.

Commissioner Notbohm asked what type of contract is required. Kent stated that there is a contract with Vision-Net for the T-1 line, but they need to understand that it is his plan to pay for this, if he gets legislative approval. Commissioner Lythgoe stated that they are still waiting for some information; this will be put two weeks out. They will gather information and get cost comparisons.

DISCUSS AND DECIDE ON FAIR BOARD'S REQUEST FOR ADDITIONAL FUNDING FOR IMPROVEMENTS TO FAIR BUILDING

Marilyn McCauley stated that she spoke with Bonnie, and the Fair Board has to take the architectural fee out of professional services, rather than capital outlay. They still have \$58,000 in the capital outlay account. Commissioner Notbohm stated that the permit will cost

approximately \$980. This will leave them with a shortfall of \$4,382. Commissioner Lythgoe moved to advance \$4,382 to the Fair Board from PILT, so that they can continue with the project. Commissioner Notbohm seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER